

PUBLIC HEARING COMMENTS

Attachment 4.2 (c) – Input of the State Rehabilitation Council

Comment:

One individual asked about the status of federal funding coming into the state.

DRS Response:

Federal funding for FY 2008 will be about the same as last year with very little increase, and a few reductions, in monies received for some programs such as Supported Employment and Independent Living.

Comment:

One individual asked if the Division was considering adding new clients to counselors' caseloads since counselors are no longer contacting individuals on the waiting list. Currently there are 9,930 on the waiting list and if this number increases, there might be more funding available to the Division. The commenter was interested in knowing if any steps were being taken to let the Governor know that additional funding was needed to serve individuals on the waiting list.

DRS Response:

We will continue adding clients to caseloads as they are referred to the Division and determined eligible. Although counselors are not required to contact individuals on the waiting list, the Division will continue to follow up regularly with those on the waiting list.

The number of persons on the waiting list has had no impact, to date, on state or federal funding allocations. Our Commissioner and Assistant Commissioner are actively pursuing all funding avenues, including state and federal.

Comment:

One individual stated that we need more people to attend these meetings to have a stronger voice relative to the needs of individuals with disabilities.

DRS Response:

The Division agrees that greater public participation benefits the vocational rehabilitation program. The Division makes every effort to try different time slots and venues in an attempt to make them convenient to more people, as well as soliciting public comments through the Internet for persons with transportation barriers.

Attachment 4.8(b)(1) – Cooperation with Agencies not carrying out activities under the statewide Workforce Investment System

Comment:

One individual asked if someone could summarize the agencies on the list, since he did not have an opportunity to view the State Plan on his computer. He asked if the agencies have functions that are different from what VR does.

DRS Response:

The requested summary was provided and the individual was told that the services provided by the agencies were in addition to VR services.

Attachment 4.8(b)(2) – Coordination with education officials

Comment:

One individual asked if the Division was doing anything to support home and community based services.

DRS Response:

The Centers for Independent Living and the Statewide Plan for Independent Living address this issue.

Comment:

One individual stated that five of the six deaf centers are listed on page 20 and that the League for the Deaf and Hard of Hearing in Nashville was omitted. The individual wanted to know if this was a message that his agency was not going to get a contract with the Division.

DRS Response:

This is an error and the center will be added to the list.

Comment:

One individual asked why Goodwill was not on the contract list.

DRS Response:

The Division does not have a contract with Goodwill but we do have letters of understanding (LOUs) with Goodwill.

Comment:

One individual stated that his understanding from a number of counselors and supervisors in the Nashville area is that the number of letters of understanding (LOUs) has increased, but there are virtually no people doing general placement. There are a handful of people in this area doing supported employment and he wanted to determine if this was true. His experience has been that it is very difficult to find someone to do job placement.

DRS Response:

The Division has several LOUs for general job placement as well as the supported employment job placement, and we can provide you with this information.

Comment:

Another individual asked if the Division would send him a copy of the LOU list also.

DRS Response:

Yes.

Comment:

One individual expressed a concern about individuals with disabilities not having jobs that they can transition into and asked if students could receive VR transitional services prior to the age of 16.

DRS Response:

The Division has a very active Transition School to Work (TSW) program with the goal of a smooth transition to the world of work. There is no lower age limit for entry into the VR program. However, there is an interagency agreement with the Department of Education that stipulates what services they provide and what services VR can provide.

Comment:

One individual asked how often the actual counselors go out to the Local Education Agencies (LEAs) and meet with the special education teachers. He stated that his experience has been that there are situations in which at Individual Education Plan (IEP) meetings, the child is 18 years old and the parents and child have never even heard of VR. They do not know about transitional services, and a lot of the teachers actually have no clue. The individual also wanted to know how we get this information out there.

DRS Response:

VR has a counselor assigned to every school system in the state. If you will tell us what school system you are talking about, the Division can work with the region and the staff responsible for serving those schools to address any issues.

Comment:

One individual said that one problem she keeps reading about is children with the most significant disabilities not actually having a job that they can transition into. There is a large gap in services after they graduate and it may be 18 months before they get into a job, if they are lucky. She asked if this is really the way the program is or is it getting better, and how smooth the transition can be from school to work.

DRS Response:

The Division has a very active Transition School to Work (TSW) program with the goal of a smooth transition to the world of work and makes every effort to have transition employment in place upon exit of school.

If supported employment services are necessary, the Division does not specifically provide supported employment services until individuals exit from the school system, because that is when VR provision for services begins. It is always our goal to have everything ready when the student graduates. We can work with the parent and school to identify a community rehabilitation provider that will provide supported employment services. During the last year we can also implement the supported employment supplemental evaluation. However, due to learned skills not being easily transferred from one work setting to another, it is necessary to begin supported employment job placement efforts after exit from school.

Comment:

Several individuals mentioned their concerns relative to VR getting involved in transition services too late. This includes receiving an earlier invitation to the IEP planning process. Transition services do not appear to start until the students are age 18, but 14 would be a more appropriate age. Students end up leaving school without a diploma or certificate as a result of late VR involvement. Transitional services appear to be closed to the majority of the VR caseload. Counselors carrying a general caseload should take up the slack in schools where there are no transition from school to work counselors.

DRS Response:

As stated before, the Division does not provide supported employment services until individuals exit from the school system (other than some evaluation), as it is not practical to begin these services earlier due to the severity of the disabilities and non transferable skills.

The issue of receiving a diploma or a certificate is the responsibility of the education system and is not related to VR services.. Counselors with general caseloads do work in schools in which there are no TSW counselors.

Comment:

One individual asked how consumers should convey transition issues to the Division; by contacting the central office directly or going through the local VR office.

DRS Response:

The issue should be resolved at the local level if it can be. The central office is happy to respond to any issues that cannot be resolved locally.

Attachment 4.8(b)(3) – Cooperative agreements with private nonprofit organizations

Comment:

One individual encouraged the Division to work with DMRS and the Tennessee Employment Consortium (TEC) to change the policy regarding the Medicaid income cap. There is a huge disincentive for our folks to work when they get Social Security benefits. If you are above that 200% currently, we are hoping it will be 300%; you are required to contribute to the cost of your Medicaid services, which makes it impractical for some people to work. We want to encourage you to join hands with DMRS and TEC to get that changed.

DRS Response:

DRS is aware that nationally there are real and perceived Social Security disincentives to work. Tennessee is working with other states to find solutions on a national level.

Comment:

One individual asked if Job Readiness should be added to the list of needed services under letters of understanding.

DRS Response:

It will be added.

Comment:

One individual asked why there was not a local Tennessee Rehabilitation Center (TRC) in Memphis and if there were plans to establish a TRC and a spinal cord injury program in Memphis.

DRS Response:

The Division would be happy to consider a TRC in Memphis if local government would provide the required 30% ongoing matching funds, as is done at the 17 existing community TRCs . We are open to discussing any program that would be beneficial to our clients.

Comment:

One individual asked if there was a list of services the supported employment service providers are required to provide.

DRS Response:

The list of services that the supported employment providers are required to provide are included in the supported employment letters of agreement.

Comment:

One individual asked what the contract with Clovernook includes, because it was his understanding that there were no VR Clients working there.

DRS Response:

Clovernook does provide services to our clients, especially vocational evaluations. Working in the Clovernook facility is not deemed a successful rehabilitation outcome, however, since it is not an integrated work environment. Terry Smith, Director of Services for the Blind and Visually Impaired and Services for the Deaf and Hard of Hearing, can provide further information for those who have specific concerns.

Comment:

One individual wanted to know what a letter of understanding consists of and if the fee for service was included.

DRS Response:

A letter of understanding (LOU) is an agreement between the two parties for the provision of vocational rehabilitation services. An LOU includes the fee for services and the responsibilities of both parties.

Attachment 4.8(b)(4) – Arrangements and cooperative agreements for the provision of supported employment services

Comment:

One individual said he believes that the administration of VR had good intentions in setting up the supported employment services, but somewhere there is a disconnect between the administration, counselors and supervisors. He stated that on the level of consumers, the services listed are not nearly as available as the Division describes. He said that he was director of employment programs in Nashville. They did supported and general placement and for one year did not get a counselor to refer a single person to them. He stated that somewhere along the line, counselors and supervisors are not getting the message that these are services they need to utilize and the goal is not just to provide services but to create job placement.

DRS Response:

The Division will meet with you privately to discuss this matter if you are willing to provide specifics. Thank you for your comments.

Comment:

One individual suggested that there seems to be a recurring decrease in monies earmarked for supported employment.

DRS Response:

There is talk on the federal level about funding not being earmarked for supported employment but placed in the general fund. There has been no action taken relative to this recommendation. The VR agencies are opposed to this change.

Comment:

One individual stated that Division of Mental Retardation Services (DMRS) has a 700 million dollar budget and asked if they contribute funding to Division relative to services provided.

DRS Response:

The Division has a very good working relationship with DMRS to help offset the costs of services for those individuals with the diagnosis of mental retardation.

Attachment 4.10(b) – Procedures and Activities regarding the establishment and maintenance of a comprehensive system of personnel development

Comment:

One individual stated that some schools are not providing rehabilitation counselor training anymore and asked if the state requires applicants to be trained.

DRS Response:

The Division is heavily involved in the Comprehensive System of Personnel Development (CSPD) process. We are moving forward and making progress in this area.

Comment:

One individual asked what Tennessee was mandated to do relative to the Certified Rehabilitation Counselor (CRC) requirements and if Tennessee was requiring people to pursue the CRC. The individual also wanted to know how Tennessee ranked with other states in meeting this mandate. The individual believes that if the Division increased the salaries we would get more applicants.

DRS Response:

The CSPD mandate requires, in part, that:

“(1) The State plan must include the State agency's policies and describe the procedures the State agency will undertake to establish and maintain standards to ensure that all professional and paraprofessional personnel needed within the designated State unit to carry out this part are appropriately and adequately prepared and trained, including--

(i) Standards that are consistent with any national or State-approved or -recognized certification, licensing, or registration requirements, or, in the absence of these requirements, other comparable requirements (including State personnel requirements) that apply to the profession or discipline in which that category of personnel is providing vocational rehabilitation services; and

(ii) To the extent that existing standards are not based on the highest requirements in the State, the steps the State is currently taking and the steps the State plans to take to retrain or hire personnel to meet standards that are based on the highest requirements in the State, including measures to notify State unit personnel, the institutions of higher education identified under paragraph (a)(2)(i) of this section, and other public agencies of these steps and the timelines for taking each step.” (34 CFR 361.18(c))

The Division currently uses the national standard of having a master's in rehabilitation counseling or otherwise meeting the academic requirements to sit for the Certified Rehabilitation Counselor (CRC) exam. Tennessee ranks in the middle relative to achieving this mandate.

Preliminarily, let us update and clarify the figures reflected in the state plan draft:

- There are 207 caseload carrying counselor level positions, 12 are vacant, and 62 meet CSPD (30%).
- In addition, there are 12 supervisory level staff members and 10 counselor level staff members (4 evaluators, 3 employment counselors, and 3 TRC staff) who meet CSPD, but are not involved in carrying caseloads or caseload supervision.
- There are 28 staff members currently in an education plan, including 10 who are finishing their degrees this summer.

DRS has requested technical assistance from RSA in order to help increase the percentage of CSPD qualified staff. Tennessee's salary for CSPD qualified counselors is competitive with other states, but the most difficult challenge is posed by the sparse number of CSPD qualified applicants. Although giving greater weight to applicants with master's degrees in rehabilitation counseling has helped us reach CSPD qualified applicants more easily in our career service system, there still are not enough CSPD qualified applicants to fill our vacancies. Therefore, to require a master's degree in vocational rehabilitation at entry level would mean that the Division could not fill a number of open positions, particularly in rural areas. This would have a detrimental effect on client service. Similarly, to develop a counselor classification limited to counselors holding master's degrees in rehabilitation counseling would require limiting some counselor functions such as eligibility determination and plan development to less than half of incumbent counselors and to new counselors holding master's degrees, for

which the qualified applicant pool is already too small. Again, clients would suffer from the resulting staff shortage.

Given the sparse applicant pool, DRS is exploring the possibility of designating a staff position with total responsibility for our CSPD activities, including recruitment activities for applicants who already have a master's degree in rehabilitation counseling and working with rehabilitation counseling master's programs inside and outside of Tennessee to increase the qualified applicant pool. During its monitoring visit, RSA encouraged this idea. It would give DRS the staff resources to draw applicants from master's programs and from the existing certified rehabilitation counselor market, where many certified rehabilitation counselors choose to work in private industry where finances are not as limited.

DRS has taken advantage of all RSA grant opportunities to sponsor incumbent staff members in pursuing master's degrees, but there are not enough dollars to reach the federal mandate without also spending significant vocational rehabilitation dollars.

Comment:

One individual stated the CSPD requirements for counselors would not be needed if VR were more like the Independent Living model.

DRS Response:

CSPD requirements are mandated by federal law and are not tied to an organizational model or style of management.

Comment:

One individual stated that a master's degree was not needed to be a qualified VR counselor. He also wanted to know how many staff we lost out of the percent that had their master's degree.

DRS Response:

Please see the above response. The turnover data for CRC eligible counselors is not readily available, but you may contact our office directly to discuss this further.

Attachment 4.11(a) – Results of the comprehensive statewide assessment of the needs of people with disabilities and the need to establish, develop, or improve community rehabilitation programs

Comment:

One individual asked if the Division knew how many unserved or underserved Spanish speaking individuals are illegal aliens.

DRS Response:

The Division is not tracking this information because we do not get many applications from undocumented aliens. They are not eligible for our services because we cannot legally provide employment services to them. They do not have to be citizens, but they do have to be legally entitled to work in this country.

Comment:

One individual asked the Division to place the results of the comprehensive assessment of the vocational rehabilitation needs of Tennesseans with disabilities and the consumer satisfaction survey on the web.

DRS Response:

We will consider this suggestion. Thank you.

Comment:

One individual asked if the Division had a ranking of what consumers think the training needs of the VR counselor are.

DRS Response:

The comprehensive needs assessment conducted in 2006 includes that information.

Attachment 4.11(b) – Annual Estimates**Comment:**

One individual stated that they heard the waiting list was the largest in the nation and asked if there are plans to re-define or open any closed priority categories.

DRS Response:

The Division is assessing the possibility of opening Priority Category 2 in “bursts” and serving those cases by the date of application. The Division has no intention of re-defining priority categories at this time.

Attachment 4.11(c)(1) – State’s Goals and Priorities**Comment:**

One individual asked what specific plans the Division has to interface with the state employment centers.

DRS Response:

The Division has a liaison, as well as counselors, in all the main career centers. We also have counselors who have a base in a VR Office and go 1 or 2 days a week to satellite career centers. We have interface with our ADA coordinator who is involved in surveying accessibility in the career centers. We have department representation on the Workforce Investment Board, and a member from the Workforce Investment Board serves as a required member on the State Rehabilitation Council.

Comment:

One individual asked if Priority Category 2 includes individuals with learning disabilities and, if this category was opened, would it include individuals with learning disabilities.

DRS Response:

Priority category 2 does include some individuals with learning disabilities. When Priority Category 2 is opened, it will be in order of the date of application (starting with August 2001), regardless of the underlying disability.

Attachment 4.11(c)(3) – Order of Selection

Comment:

One individual asked if taking 15 hours each college semester involved an increased cost over taking 12 hours.

DRS Response:

This does not involve an increased cost. In fact, it results in a lower overall cost because an individual completes a bachelor's degree in four years rather than in five years.

Comment:

Several individuals asked if there was any possibility that the Division will open Priority Category 2.

DRS Response:

The Division has a responsibility not to open its services to more persons than it can serve from plan development through successful employment. Therefore, the Division is developing a forecasting tool to predict how many additional individuals it can serve and within what period of time. Part of the forecasting process will include a test run of serving a few Priority Category 2 cases that have been on the waiting list since 2001. Any "opening" of the Order of Selection would be in terms of serving short "bursts" of clients on the waiting list rather than opening all categories at once and permanently keeping it open.

Comment:

One individual asked if the Division knew how much it would cost to provide services to all priority categories and what could be done to get this information.

DRS Response:

If this question were asked in 2001, we would have needed approximately 10 million dollars. See the above response. Additionally the Division wants to make sure we are serving all eligible individuals in Priority Category 1 before we open another Priority Category.

Comment:

One individual, after giving her name and city where she lives, discussed her difficulties getting and maintaining a job because of her disability. She explained that she had tried unsuccessfully to attend school since the age of 19 and is now 45 years old. She discussed her physical limitations (limited in left hand, carpal tunnel, tendonitis, 3 missing discs in back) and said that she was still ineligible for disability income and VR training. She visited her director in Bristol and was told that she is not severely limited.

She said that when she gets a job, she works 3 months but can't continue. She hid her disability the last time she got a job, but that didn't last. She wanted to go to school for training to help her get and maintain an appropriate job.

DRS Response:

The regional supervisor will be glad to talk to you after the public hearing about your individual situation to see if services may be available to you.

Attachment 4.11(c)(4) – Goal and plans for distribution of Title VI, Part B funds

Comment:

One individual asked how, with funding going down, the Division plans to provide supported employment services to 3,800 clients.

DRS Response:

The Division is committed to do what it takes to provide services to this population. Because the Division is in an order of selection and these individuals are in Priority Category 1, they will receive funding first.

Comment:

One individual asked about de-institutionalization, specifically in regard to individuals with mental health disabilities, and what we are doing in that regard. She stated that it seemed that most of our work was with individuals with mental retardation.

DRS Response:

The Division currently serves many thousands of individuals with mental health disabilities. We have most recently added a mental health expert to our staff whose job it is to work with both DRS staff and community rehabilitation providers in a collaborative fashion to meet the many and varied needs of individuals with significant mental illness in order to better ensure a successful employment outcome.

Attachment 4.11(d) – State’s Strategies and use of Title I funds for innovation and expansion activities

Comment:

One individual asked if the Division has considered some level of apprenticeship, maybe from students transitioning from high school or other appropriate service areas.

DRS Response:

The Division tries to seek out those specialized training programs to meet whatever needs the client has. We have on-the-job training that is something like an apprenticeship. We pay the employer up to minimum wage for a number of months to train and work with the client. The employer will be getting and training a worker at no cost.

The Division can facilitate this activity for any client we serve as it relates to their individualized plan for services. We are also doing this in a less formal way by encouraging counselors to find two types of mentors. One would be the occupational mentor, someone in a job like what the client is interested in for career exploration. The other would be a disability mentor, who could speak to how to talk to employers about their disability and how to manage the disability on the job.

Comment:

Several individuals stated that the Division should increase partnerships with Centers for Independent Living (CILs) relative to referrals and working together to assist individuals to be more independent. If we do not work on the independence piece, there is not going to be employment.

DRS Response:

The Division supports this comment, has made letters of understanding available to centers and will continue to work closely with centers to achieve successful employment outcomes.

Comment:

One individual wanted to know the qualifications for job coaches and if the Division has training programs for job coaching and funding support for individuals who have completed the training.

DRS Response:

The qualifications for job coaches are listed in our Vocational Rehabilitation Policy Manual (VRPM). We will be glad to provide you with a copy of that information if you will give us your contact information. The Division has plans to develop a training program for job coaches in the next fiscal year. In addition, we are working on training and on development of a pool of job coaches within each region.

Attachment 6.3 - Quality, Scope and Extent of Supported Employment Services**Comment:**

One individual stated that the funding source for ongoing support services is a problem.

DRS Response:

The Division realizes that this is a problem, not only in Tennessee but across the nation. One way to ensure ongoing supports without added funding is to develop and implement natural supports.

GENERAL COMMENTS**Comment:**

One individual stated that VR clients receiving training have a difficult time trying to find a job and the State Plan seems to address this matter.

DRS Response:

Thank you for this comment.

Comment:

One individual asked if the Division had affirmative action goals as they pertain to state and local requirements. They would like to see the Division working with the State on hiring people with disabilities.

DRS Response:

There is a process in place to allow VR clients seeking jobs with the state to try the job without having to go through the examination process, in specified circumstances. We encourage our clients to enter training to become rehabilitation counselors, and we have hired a number of our own clients.

Comment:

One individual asked if there would be an increase in federal dollars to add new centers for independent living.

DRS Response:

The State does not anticipate an increase in independent living funding for fiscal year 2008 other than the cost of living increases to existing centers. The State received a decrease in the independent living Part B funding for fiscal year 2008.

Comment:

One individual recommended that the Division support home and community based services. She explained that the Division provides personal care assistance when students are in school, but they also need these types of services after completing school. There are actually people in the VR program that want to stay in school because they have a place to live, food to eat and services provided by VR. Florida is in the process of drafting legislation for personal assistance services. There should be ongoing assistance available to individuals with significant disabilities even after they become employed.

DRS Response:

DRS agrees with these comments. However, because DRS services are, by law, time limited, DRS cannot continue to provide these services after case closure. We are working very hard with our VR Counselors and are providing the tools to help them discuss personal care assistant needs on the front end of the vocational rehabilitation program. These needs should be seriously considered at the time of deciding upon a vocational objective.

The Division's Independent Living Program does address and support ongoing community based services. One of their joint goals is to continue to educate the public and advocate to public officials regarding the need for such services and additional funding for such.

Comment:

One individual volunteered their community work incentives coordinator to help people with work incentives that could help pay for transportation, since there is such a need.

DRS Response:

We thank you for that comment and offer. Our VR Counselors do work with the community work incentive coordinators across the state and have found those services to be very helpful. We will be in touch with you to see if we may be able to better collaborate in this area.

Comment:

One individual stated that he wanted to relate an experience he had with the 15-hour rule. Anybody who goes to college knows how difficult it is to write a 10-page research paper. He states that he did that at Chattanooga State and it occupied him to the point that he had to get off his medications to complete the paper. Working on the project made him physically sick to the point of almost being hospitalized. He stated that he would have taken fewer hours if allowed to do so. He is hoping to get a waiver of the 15 hours in the future to ensure that he is not hospitalized.

DRS Response:

There has always been an exception in place to waive the 15 hour requirement and it is easy to get. These problems can be taken care of quickly if there is good and ongoing communication between the client and the VR Counselor. The Regional Supervisor is available to talk to you after the meeting if you wish to do so.

**CLIENT ASSISTANCE PROGRAM COMMENTS AND DIVISION OF
REHABILITATION SERVICES' RESPONSES**

The Disability Law and Advocacy Center administers the Client Assistant Program in Tennessee that is mandated by the Rehabilitation Act, as amended, to assist clients and applicants with obtaining appropriate VR services.

We also administer the Protection and Advocacy for beneficiaries of Social Security. Each year we represent hundreds of clients with issues related to their VR services and we would like to comment on some trends we have seen this year. In addition, we conducted focus groups at colleges and universities around the state of Tennessee to hear from specific VR clients who are attending school. We comment today on behalf of those individuals.

First we wish to commend the Division for their recent efforts in becoming a values-driven organization and the quality improvement initiatives you have undertaken.

Client Assistance Program Comments - Order of selection

It has been reported that Tennessee's waiting list for applicants who are placed in priority categories 2-4 recently became the largest waiting list in the nation in terms of people waiting for services. We believe that the Division has become complacent in accepting that the order of selection is the way it is in Tennessee rather than taking a hard look at cost saving measures. For instance, the Division has added and filled 40 additional counselor positions since 2005 and a total of 48 new positions statewide. Tennessee has increased, instead of finding ways to decrease, this large administrative cost. In addition, under the Ticket to Work program DRS could redefine priority categories to make eligible those individuals who are receiving SSI and SSDI. The case cost dollars spent on those individuals would be reimbursed to the agency from the Social Security

administration when these recipients go to work. This potential income opportunity for DRS already exceeds a million dollars per year and it should go much higher.

DRS Response - Order of selection

If DRS is able to open or partially open Priority Category 2, those clients who applied first will be served first. Therefore, it is to the advantage of those clients for the Division to maintain the “waiting list” rather than to encourage clients to allow us to close their cases. Reducing the waiting list solely for the purpose of having a smaller list than other states would benefit no one.

As stated previously, there is a possibility that the Division might open Priority Category 2 in short “bursts” rather than keeping it open. When this happens, those individuals (by the date of their application) who receive SSA benefits will certainly be among those to be offered services. In addition, the VR Counselors periodically review their PC 2 cases that do receive SSA services and are looking to elevate them to PC1 status if their disability has changed to where they can meet the PC 1 criteria. In addition, the Council of State Administrators of the Vocational Rehabilitation program (a national organization made up of all State Directors) is working with and through the National Rehabilitation Association to get the law changed so that anyone receiving SSA benefits would be automatically PC1.

The Division has not “added” 40 additional counselor positions. We previously had paid for transition school to work (TSW) services, including the salaries of the TSW case managers, through contracts with local school systems. We later terminated those contracts and brought those case managers into the state civil service system.

NOTE: For additional information on this subject, please refer to the Order of Selection section in Assistant Commissioner Cooper’s May 22, 2007 letter (also posted) to Cindy Gardner of the Client Assistance Program with the Disability Law and Advocacy Center.

Client Assistance Program Comments - Unqualified VR Counselors

Too many Tennessee VR counselors do not meet the Rehabilitation Act definition of a qualified VR counselor. In 2001 the Rehabilitation Act regulations set up the minimum education requirements for a VR counselor and gave states 5 years to implement these minimum requirements. As of today 72% of Tennessee VR counselors do not meet this minimum standard. We believe this requirement is not very aspirational but required by the Rehabilitation Act and should be required in Tennessee.

DRS Response – Comprehensive System of Personnel Development (CSPD) and qualified VR Counselors

The federal mandate for a Comprehensive System of Personnel Development (CSPD) has been the most difficult federal mandate for DRS to meet. Preliminarily, let us update and clarify the figures reflected in the state plan draft:

There are 207 caseload carrying counselor level positions, 12 are vacant, and 62 meet CSPD (30%). In addition, there are 12 supervisory level staff members and 10 counselor level staff members (4 evaluators, 3 employment counselors, and 3 TRC staff) who meet CSPD, but are not involved in carrying caseloads or caseload supervision. There are 28 staff members currently in an education plan, including 10 who are finishing their degrees this summer.

DRS has requested technical assistance from RSA in order to help increase the percentage of CSPD qualified staff. Tennessee's salary for CSPD qualified counselors is competitive with other states, but the most difficult challenge is posed by the sparse number of CSPD qualified applicants. Although giving greater weight to applicants with master's degrees in rehabilitation counseling has helped us reach CSPD qualified applicants more easily in our career service system, there still are not enough CSPD qualified applicants to fill our vacancies. Therefore, to require a master's degree in vocational rehabilitation at entry level would mean that the Division could not fill a number of open positions, particularly in rural areas. This would have a detrimental effect on client service. Similarly, to develop a counselor classification limited to counselors holding master's degrees in rehabilitation counseling would require limiting some counselor functions such as eligibility determination and plan development to less than half of incumbent counselors and to new counselors holding master's degrees, for which the qualified applicant pool is already too small. Again, clients would suffer from the resulting staff shortage.

Given the sparse applicant pool, DRS is exploring the possibility of designating a staff position with total responsibility for our CSPD activities, including recruitment activities for applicants who already have a master's degree in rehabilitation counseling and working with rehabilitation counseling master's programs inside and outside of Tennessee to increase the qualified applicant pool. During its monitoring visit, RSA encouraged this idea. It would give DRS the staff resources to draw applicants from master's programs and from the existing certified rehabilitation counselor market, where many certified rehabilitation counselors choose to work in private industry where finances are not as limited. This staff member could also work with the Department of Human Resources to ensure that we have not overlooked inappropriate references to persons with disabilities in our materials.

DRS has taken advantage of all RSA grant opportunities to sponsor incumbent staff members in pursuing master's degrees, but there are not enough dollars to reach the federal mandate without also spending significant vocational rehabilitation dollars. Currently, we sponsor about \$1300 annually on books and supplies per staff member who pursues a degree on an RSA grant. If DRS were to supplement the RSA grant program with vocational rehabilitation dollars to raise all remaining incumbent counselors to the CSPD mandate, it would cost in excess of \$6 million dollars of the money we are currently using to serve clients.

Client Assistance Program Comments - 15-Hour Rule

Tennessee is the only state in the nation to require a person with the most significant disability, by definition 2 or more functional limitations, to take 15 hours per semester in order to be considered a full time student and receive VR sponsorship. At one time what appeared to be an effective way of saving money for the agency, when the agency was serving all priority categories and all disabilities, is now a ridiculous burden on individuals with the most significant disabilities. Many of the calls we receive are from clients and students who have been placed on VR probation because they tried to take too many hours with their level of disability. These individuals have been punished by being forced to pay for the next semester and bring up their cumulative GPA. Many simply drop out. We believe this policy is discriminatory on its face, makes no sense after several years in the order of selection and should be changed immediately to the 12 hour standard recognized in the country.

DRS Response - 15 Hour Rule

The Division has confidence in the ability of our clients to perform at this level and feels that it would be condescending to make the assumption that people with disabilities cannot. VR policy is clear that an exception should be made for approved reasons, which include severity of the disability; temporary illness or accident; need for time to adjust to the requirements of being in college; or not enough class hours available for the term. The exception is not at the discretion of the counselor, but must be granted for the above reasons. The “paperwork” required can be as simple as a note from the campus coordinator of services to students with disabilities.

Both RSA and the Tennessee State Rehabilitation Council have approved the requirement for our clients to take 15 credit hours unless an exception is requested and granted.

Students taking 15 credit hours per term may be able to complete their college education within four years, saving clients’ money that might be spent for room, board, and other expenses during extra semesters. For those clients who meet economic need criteria, the agency saves money for those same expenses, thus helping the agency to continue serving all clients in Priority Category 1. The Client Assistance Program asks us to open Priority Category 2 and, at the same time, greatly increase current expenditures for those clients in Priority Category 1. The Division is charged with stewardship of available funds to provide the best services possible to those clients who have the most significant disabilities

NOTE: For additional information on this subject, please refer to the University Attendance section in Assistant Commissioner Cooper’s May 22, 2007 letter (also posted) to Cindy Gardner of the Client Assistance Program with the Disability Law and Advocacy Center.

CAP Comments – DRS Administrative Costs/Financial Needs Test for Tuition

Tennessee has increased rather than decreased some of the largest costs, such as staff salaries. The individual suggested that the Division should cut costs at the state office level or administrative functions like most of us would do if we owned our own businesses. The Division is considering entering into a financial needs test for tuition for students, which would mean if you were student with a family of 4 earning more than \$23,000.00 a year, tuition would not be paid. The estimates show that Tennessee will pay \$27,423,500.00 for client services. What is not mentioned is that the Division's total budget is \$77,000,000.00. Her question was where the other \$50,000,000.00 goes, understanding that it does take money to run the State Agency.

DRS RESPONSE - DRS Administrative Costs/Financial Needs Test for Tuition

The Division is studying the impact of entering into a financial needs test for tuition as well as looking at alternative and/or revised funding procedures. Payment of tuition ranks highest in DRS expenditures. A financial needs test for tuition (or other reduction in such payment) would make available many thousands of dollars that could be spent on clients that have a vocational objective that does not require college or higher education. Such a move would definitely have a very positive impact on opening and serving individuals now in Priority Category 2, 3 and 4.

Although the State Plan Annual Estimates section does include estimated case service expenditures at \$28,232,500, this figure includes only direct authorization through our authorization and invoice (A&I) process. It does not include direct services provided through our training centers and by our counselors and other staff; nor does it include services provided through contracts and through letters of understanding. Real expenditures for client services are about 78%. RSA Annual Review Reports for the most recent year for which statistics are available show that Tennessee's administrative staff for the VR program is only 4.74% of total staff, while the national average is 13.75%.

NOTE: For additional information on DRS administrative costs, please refer to Assistant Commissioner Cooper's May 22, 2007 letter (also posted) to Cindy Gardner of the Client Assistant Program with the Disability Law and Advocacy Center.